

# THE SENATE OVERRIDES VETO OF COUNTY BILL

It was Perhaps the Most Notable Discussion That Has Taken Place in the Upper House so Far.

The Senate overrode the Governor's veto of the County Act yesterday, after perhaps the most notable debate that has taken place in the upper house of the legislature at this session. The Senators, it was plain, were very doubtful as to the issue—and of the effect of their own action after the issue was made. Indeed, it had been planned by the leaders to postpone consideration of the veto, perhaps with a view to seeing whether an accommodation could not be arranged of the differences with the Governor, but the Senate got away from its leaders, taking the bit in its teeth at the morning session and forcing consideration of the veto.

And, as has been said, it was overridden, only Paris, Bishop and Gandall voting to sustain it. Senator Wilcox, who had been excused at the morning session, said when he came in at the afternoon session, that he would have voted to sustain the veto if he had been present, having been informed when he asked to be excused that the matter would be postponed until the afternoon session.

There was not much doing in the House yesterday, the Senate holding the center of the stage, but the ghost of Iwilei came up once more in a resolution empowering the High Sheriff to employ special policemen for that quarter.

## LEGISLATURE—FIFTIETH DAY.

### THE SENATE.

The Senate began the day yesterday by overriding the Governor's veto of the County Act, 11 to 3, (Wilcox being absent, but that was not done without a warm fight which brought out more strongly than at any previous time that the passage of the act as it has passed is a matter of expediency and not of principle. For the Senators do not believe in county government in the abstract, and men who voted to override the veto do not believe in the bill that has been passed.

When consideration came up at the morning session in regular order, Bishop moved to defer until afternoon, as he said he had not had sufficient time to consider the veto. It had been planned to postpone consideration, too, but the Senate got beyond control and the postponement could not be carried.

### PARIS IN OPPOSITION.

The Bishop motion having failed, Achi was on his feet in a moment to move that the County Act be passed in despite of the veto of the Governor, and the motion carried. Almost before the result was announced, Paris was on the floor and secured the recognition of the President.

"The Senate," he said, "is confronted with a peculiar condition. The Senators were urged to give the people county government, but does this bill which we are asked to pass over the Governor's veto, carry out that pledge? I think not. The bill, as it stands, is a mere hollow pretense, for it provided no money for carrying out its provisions if it were passed. County government, without money, amounts to nothing. This bill, as the conditions exist, is not worth the paper that it is written upon.

"And," went on the Senator, "in voting to support the veto of the Governor, I think that I am truer to my pledge to the people than gentlemen who would seek to fool the people with a thing that was the mere shell of county government. I know what I am doing, and I am willing to take the consequences of my act. But I will not deceive the people."

### DICKEY ADMITS IT.

Senator Dickey admitted that the County Act, as it stood, was just so much waste paper. But he argued that it was the duty of gentlemen who were pledged to county government to try and pass laws that would make the county act operative. He believed that this could be done, and the Governor's objections to the bill met. He had believed, at the time it was done, that it was a mistake to take the assessment and collection of taxes out of the hands of the Territorial and give it to the county officials. The Governor would still veto any law that followed that course, and therefore his own enabling act which had passed second reading was dead. The matter was absolutely in the hands of the Governor, for under the ten-day limit he could pocket veto any bill, and he would veto any bill that gave the county assessors power to collect taxes. The only course left to the Legislature was to attempt to meet the Governor half way, enacting measures that could receive the approval of the executive. "As to amending the law," said Paris, "it did not pay to tinker up an old house. It would be much better to sustain this veto, and start in all over again in the hope and faith that a workable and reasonable system can be devised. The Governor, to be consistent, must veto any act in line with this."

### BETWEEN RESPONSIBILITIES.

Bishop arose to say that he was faced by two responsibilities. On the one hand, he was pledged to his constituents to give them county government. On the other hand, there was a proposition to turn over the control of public affairs and the public revenues to an utterly unknown and untried force. There was an assault upon the credit of the Territory, and there was no money provided to run the proposed counties between the first of November and the first of January. If anybody could show him where the necessary money for that was to

come from, he would vote for county government.

"It is easy enough," said the Senator, "for newspapers to talk about pledge breakers, but when you are running a business, and Saturday night comes around you have got to have money to pay the hands. This is a matter of conscience with me. I feel my responsibility that is upon me to the people of this Territory. All government is a matter of business. We must conduct that business successfully. I believe, Mr. President, that to establish the system that is proposed to be established by this act would cause an instant panic here that would be little less than a calamity to this Territory."

### ACHI THE ELOQUENT.

"I would like to ask the Senator," queried Dickey, "what objection he has to amending the County Act?" "We might start in to amend it," said Bishop, "but I do not know where we would stop."

Achi said that he had the laws for the purpose of putting the County Act into effect, and of meeting the objections of the Governor already drawn. Waving aloft in his hand a clipping from the Advertiser of yesterday, he said: "The Governor of the Territory has here publicly stated his objections to the County Bill. It is our duty to pass laws to meet those objections. Our course is made plain for us by this published interview. I myself have been accused, in the newspapers and elsewhere, of treachery to the cause of county government, and yet I have worked honestly and consistently to bring it about. And I will work now for the passage of laws to make the County Bill operative and meet the objections of the Governor."

"The Governor is appointed by the President of the United States to look after the interests and the credit of this Territory," Achi concluded. "I believe he will do it—and he is right to do it. But if we pass a proper bill for county government, safeguarding the interest of the Territory, I believe that the Governor will sign it."

Paris reiterated his belief that the Senate was helpless as conditions stood at a thing that was the mere shell of county government. I know what I am doing, and I am willing to take the consequences of my act. But I will not deceive the people."

### DOWSETT HAS FAITH.

Dowsett believed that the Governor's objections to the County Act could be met by amendment of the County Act, and would be met by the Legislature. The people and the Legislature and the Governor were probably nearer county government than they ever had been. He had confidence enough in the Senate and House to believe that they would pass the necessary amendments to meet the views of the Governor. He had no apologies to make to his constituents, nor to anybody, but he thought it was his duty to work and bring the Legislature into agreement with the Governor. The Territory would be in funds after November, and after that date there would be nothing in Senator Bishop's objection.

"It is a part of the program, is it not," asked Bishop, "to postpone the operation of the county act until the Territory gets money?" "It would be arranged," answered Dowsett.

"That is not in the amendments prepared," said Dickey, "but I am agreeable to the change."

McCandless did not favor county government personally. In his view, it was not best for this country. But he had given his pledge for it and he would vote for it if there was not a cent to carry it into effect.

SENBERG SCORES THE HOUSE.

President Isenberg took the floor and said he was ready to vote for county government—but he did not take the position that Senator McCandless did that it was the duty of a man to vote for any kind of a county bill. He had intended to oppose the bill, but since coming here he had heard Senator Dowsett pledge himself to attempt to postpone the inauguration of county government until January 1, and on that pledge he would vote to override the veto.

"Is Senator Dowsett pledged to do that?" asked Bishop.

"I will try to do that," said Dowsett.

"And in that view," Isenberg went on, "I am for this bill. I know absolutely, that if this County Act had passed to go into effect on July 1, the banks would not cash another draft for the Territory or the county."

Speaking of the salaries raised by the House, the President said emphatically:

"I want to say one thing that I want to go on record. I want to say that the House of Representatives is not taking a manly stand. Why do they not take the responsibility for measures themselves? They passed the responsibility up to the Senate. It was not the work of men, to do that. I am willing to take my own responsibilities, and I have been and am now for lower salaries, but the House should have the courage and manliness to do what it wanted done, and not seek to shift its burdens and its blame to the shoulders of the Senate."

And while the members of the House who had come in to hear the Senate debate on the veto were observed to sneak quietly away and vanish into the outer corridor.

### VOTE ON THE BILL.

"I am for county government," said McCandless, "first, last and all the time, but I am willing to pledge myself to bring about a postponement of the inauguration of the measure until January 1, and to eliminate the clause from the County Act providing for a flash test for oil."

"Is the word of Senator Dowsett to be taken as certainty that the inauguration of county government will be postponed until January 1?" asked Paris. "That is the word of one man. So far as any changes in the bill are concerned, we are talking in the air."

The Senator defended his position on the salaries question, saying that he had proposed that supervisors serve without pay.

"What security have we that the members of the lower house will agree to the proposed Senate amendments?" asked Gandall. "If we can get the security that they will agree, I will vote to override the veto. Otherwise, not."

The vote then came on the passage of the bill over the veto, and it was passed, 11 to 3, the vote being as follows:

Ayes—Achi, Brown, Dickey, Dowsett, Hayselden, Hewitt, Isenberg, Kalamia, Lane, McCandless, Woods—11.

Noes—Bishop, Gandall, Paris—3.

Absent and not voting—Wilcox—1.

After the Governor's veto of the County Bill had been beaten, Dickey introduced two bills, one to provide funds for the maintenance of counties and the other to amend the County Act so as to cut out county assessors and leave the collection of taxes in the hands of the Territory. Read first time.

Achi offered a resolution providing for the printing and free distribution of the County Act, 1500 copies in English and 3000 copies in Hawaiian. Bishop moved an amendment that the printing be postponed until after adjournment, and that all acts amendatory of county law be included.

Paris and Achi had a wrangle as to whether there was a County Act, or any money to carry it into effect, and then the resolution as amended passed first reading.

### HIT AT PINKHAM.

From the Judiciary Committee Achi made the following report:

"Sir: Your Judiciary Committee, to which was referred House Bill No. 146, relating to a fire department for Waialua and Kahului, have to report that the object of the bill as passed by the House is to properly organize a fire department for Waialua and Kahului, which towns now have volunteer fire companies."

"Your committee find that there is a volunteer fire company at Lahaina, Maui, and we therefore recommend that such amendments be made to this bill as will allow other towns in the Territory to organize fire departments where they so desire. The bill is practically the same as that governing the Hilo fire department, and with these amendments, we recommend it pass."

The report was laid on the table to be considered with the bill.

Joint Resolution No. 5, the Lane resolution, to permit the Catholic Church to own more than 1000 acres of land, passed second reading. It will be read for the third time today.

Senate Bill 113, amending the Revised Laws with reference to annual quarantine, passed third reading without dissent.

Senate Bill 114, repealing certain sections of the Revised Laws relating to the same matter as 113, passed third reading without dissent.

Senate Bill 117, allowing visitors at Leper Settlement at all times, came on third reading. This bill will stop junkets, because no more than 50 permits can be issued at any one time.

Paris thought there should be a penalty prescribed in the bill for visitors to Molokai who broke the segregation law.

"Put the penalty on the head of the Board of Health," said McCandless, "and you'll get the right man."

"Maybe so," answered Paris.

"I think it would be better to put it on the Legislature," said Dickey.

### VISITORS WELCOME.

And then the vote came and the bill passed, no vote being cast against it. Senate Bill 118, to provide for the sale of mortgaged stocks or shares, passed third reading.

Senate Bill 119, to amend the Revised Laws providing for the recording of judgment decrees by District Magistrates, passed third reading without dissent.

Senate Bill 121, to appropriate \$10,000 for a county election, passed third reading without dissent.

House Bill 107, to regulate costs in equity cases, passed third reading without dissent.

House Bill 153, to keep misdemeanants separate from felons, passed third reading.

House Bill 160, the anti-trading stamp bill, was the order of business on third reading at the afternoon session, presided over by Paris. The bill was referred to the Revision Committee for correction.

Senate Bill 176, which passed third reading on Thursday, was reconsidered on motion of Lane. This is the bill to establish a lazaretto at Kalihi. After the bill had been read, Lane moved to strike out of the bill the provision making it inoperative in case the

United States establishes a leper hospital at Molokai.

Dickey protested, but the Lane motion carried, and then the veto was taken on the passage of the bill. It passed, 10 to 4, Dickey, Gandall, Paris and Wilcox voting against it.

House Bill 169, on third reading, was deferred until next Monday to make way for Senate Bills on second reading, and then two veto messages came from the Governor. The first of these vetoed the Hilo school bill. Consideration of this was deferred until Saturday morning.

The second veto was of House Bill 103, to raise the pay of jurors from \$2 to \$3 per day. Consideration of this was likewise deferred.

Senate Bill 122, the deficiency appropriation bill, was taken up on second reading and the members proceeded to discuss the various items of expenditure called for in the measure. The bill passed second reading without any particular change in the amounts asked for by the administration beyond two appropriations of \$5000 each for roads in the Fourth and Fifth Districts.

Senate Bills 124, 125, 127, 128, 129, 130 and 131, which have accumulated on the clerk's desk during the County Act excitement, were read by title for the second time and referred.

Senate Bill 2, the local option bill, was read for the second time with the report of the special committee in its favor, and action upon it was deferred until today.

Senate Bill 132, to amend the tax law, read second time by title and referred to the Ways and Means Committee.

Senate Bill 133, to encourage the building of railroads in the districts of Hilo, Hamakua or Kohala, Island of Hawaii, passed second reading and was referred to the Public Lands Committee.

Senate Bill 134, to repeal Chapter 57 of the Penal Code of 1869, passed second reading and was referred to the Judiciary Committee.

### BLOW AT AUTOMOBILES.

Senate Bill 135, to provide for the safety of the public from automobiles and other motor vehicles, passed second reading by title and was taken up at once and considered. The bill limits the speed of motor vehicles in Honolulu, Hilo or any town or village at a greater speed than eight miles an hour, and provides for numbering such vehicles after the manner of the mainland. The bill passed second reading, and will be read for the third time today.

Achi moved that Senate Bill 126 be taken up and passed at once, and the motion carried. This is the Achi bill to call the new portion of the prison "Honolulu Jail," a place for the exclusive confinement of misdemeanants. The bill passed second reading, and will be read for the third time today.

Senate Bill 136, to protect the owners of registered bottles and containers, passed second reading and was referred to the Miscellaneous Committee.

House Bill 117, for the relief of J. Goldstein, was taken up on second reading and killed by an adverse committee report.

House Bill 31, the opium license bill, went to the Ways and Means Committee on second reading.

House Bill 68, the anti-cremation bill, went to the Health Committee, with orders to report early.

House Bill 123, amendatory of the Revised Laws, went to the Public Lands Committee.

House Bill 130, the Coconut Island Park bill, went to the Public Lands Committee.

House Bill 167, to regulate trials, went to the Judiciary Committee.

House Bill 180, to amend the Revised Laws, went to the Judiciary Committee.

House Bill 186, forest fire bill, went to the Public Lands Committee.

House Bill 169, the horsehoers' bill, on third reading, was amended to reduce the license fee to \$5 per year, and passed, McCandless voting against it.

House Bills 96, 183, 185 and 188 were read for the second time by title for reference.

House Bill 94, the widow's election of dower bill, was read for the second time, and passed. It will be read for the third time today.

A communication from the House informed the Senate that it had concurred in the Lazaretto Bill, and then the Senate adjourned.

### THE HOUSE.

Iwilei was talked of in the House of Representatives for a long time yesterday. Broad brought the matter up in the form of a joint resolution to authorize the High Sheriff to employ four special policemen to preserve order in Iwilei. He stated that there had been a riot there on Thursday night.

Fernandez moved in amendment that the High Sheriff be notified to do his duty in preserving the peace at Iwilei, remarking that if he did not the House might reasonably cut off the appropriation for his salary. The amendment carried.

### TO BE INVESTIGATED.

The matter was further discussed at the opening of the afternoon session, when the story of the riot was referred to the Police Committee for investigation.

### MORE VETOES.

The following two vetoes were sent down by Governor Carter:

To the Legislature of the Territory of Hawaii:

Herewith, I return House Bill No. 103, entitled "An Act to amend Section 1793 of the Revised Laws of Hawaii, 1905," which I am unable to approve.

This bill raises the pay of jurors from \$2 a day to \$2.50—an increased expense which the Territory can ill afford. The present pay may not be adequate, but until some provision can be made by which the litigants in civil cases involving at least over \$1000, shall bear the costs of trial, it is impracticable to raise the jury fees.

Instances are many of the very great expense of jury trials in our Territory, probably far beyond that of any other community of equal population. This measure would mean an additional annual expense of over \$4000, with-



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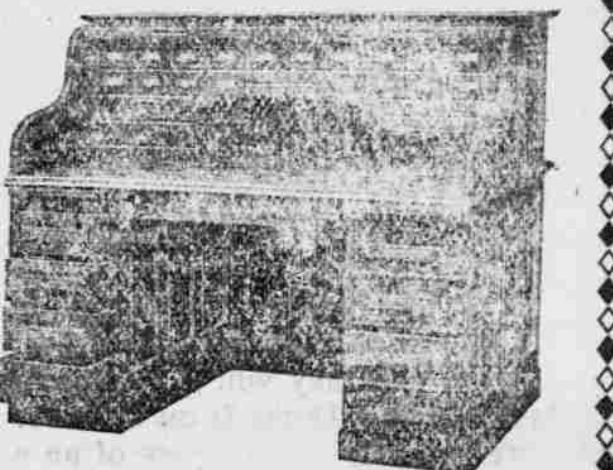
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out adequate return in the improvement of the standard of jurors. (Signed) G. R. CARTER, Governor.

To the Legislature of the Territory of Hawaii:

Herewith, I return Senate Bill No. 23, entitled "An Act to provide for a High School in Hilo, Island and Territory of Hawaii, under the Department of Public Instruction of the Territory," which I am unable to approve.

This bill falls within that class of absolutely unnecessary legislation with which our statute books are often encumbered.

Section 297 of the Revised Laws covers all the essential requirements of this bill. If it is the desire of the Legislature to have the Territory erect a High School in Hilo, all that is necessary to be done is to show the Department of Public Instruction the necessity for it and provide the funds in the appropriation bill.

(Signed) G. R. CARTER, Governor.

Action on both was deferred until Monday.

The Committee on Public Expenditures reported that the account of Turner & Co. for supplies furnished the Hilo Hospital in 1903, \$58.48, should be paid. Hackfeld's account of \$35.58 was also approved. Chow Lee, who paid his tax of \$17 twice, in 1900, was recommended to be reimbursed.

### THIRD READINGS.

The following passed third reading: House Bill 148, to repeal the Revised Laws relating to the manufacture of poi.

Senate Bill 100, to allow the Board

of Health, with the consent of the Governor, to make regulations respecting nuisances, sources of filth and causes of sickness.

Senate Bill 7, relating to appeals from decisions, judgments, orders and decrees from the Court of Land Registration to the Supreme Court.

The House concurred in the Senate's amendments to the House bill on leprosy.

Senate Bill 74, relating to the appointment and duties of prison inspectors, passed third reading.

### KILLED THE WIRELESS.

The bill to authorize the Superintendent of Public Works to enter into a contract with the Inter-Island Telegraph Company to do the government work for \$1000 a month, was shelved on Rice's motion to defer action until April 20.

### ROUTINE MATTERS.

The Judiciary Committee reported favorably on the bill to divide the First Senatorial District into two districts and to apportion two Senators to each. The report was tabled.

The Judiciary Committee recommended the passage of Smith's bill adding a new section to the act relating to set-off.

Fernandez's bill relating to escheat of land was recommended by the Judiciary Committee, with amendments.

The bill to authorize the appointment of a commission to revise the taxation was recommended by the Judiciary Committee with minor amendments.

The Judiciary Committee recommended the passage of the bill to permit railroads to use other motive powers than steam.

(Continued on page 3.)